Remarks

Applicant has considered the Examiner's response to arguments in paragraph 5 of the detailed action, but respectfully disagrees with the Examiner's arguments.

Dealing with each point the Examiner raises in turn, firstly, the Examiner states that the specification of the present application cited "a connectionless is an example of an IP". Applicant respectfully believes that this is the wrong way round. IP networks are _examples_ of the more general term "connectionless networks". The Examiner also states that "the limitation of connectionless was never claimed as part of the invention". Referring to claims 1 and 8 as originally filed and as currently pending, the Examiner will see that the term "connectionless network" has always been a limitation of the claims defining the present invention. The Examiner will also see that the title of the invention is "Connectionless Network Express Route" and the field of the invention section states that "the present invention relates to connectionless networks such as IP networks for example, ...".

The Examiner further cites a dictionary definition of the "connectionless network". However, applicant finds this definition hard to comprehend, and contrary to very recent Federal Circuit law on the subject. Applicant maintains that one skilled in the art would understand the meaning of the term "connectionless network" as stated in the previous response. In short, a connectionless network is a network in which packets are transmitted across a network _without the need for establishing a prior connection_. Applicant therefore still maintains that the ATM network described in Riggan (US 6,490,252) corresponds to a connection-oriented network. It is well-known in the art that ATM is an example of a connection-oriented network in which virtual circuits are established prior to communication. Virtual circuits are end-to-end connections with defined end points and routes. Furthermore, the passage at column 3, lines 38 to 46, describes how the "wire" forming the physical layer of the

network is preferably optical fiber (SONET). It is well known that SONET networks are connection-oriented networks. Thus, on any reasonable interpretation of the term "connectionless network" the system described in Riggan cannot be considered to fall within the scope of the claims.

Secondly, the Examiner admits that the system of Riggan redirects traffic in excess of the agreed traffic contract to a different or external network. However, the Examiner argues that the claims of the present invention are not limited to maintaining an express route within the same network. Applicant respectfully disagrees. Claim 1 recites a method of operating "a connectionless network comprising a plurality of network elements and links therebetween ... and maintaining an express route ... comprising one or more said links between two end elements ..." [emphasis added]. Clearly, the claim explicitly recites that the express route is formed from one or more links of the connectionless network, not any other network. Furthermore, the Examiner will appreciate that the entire specification is concerned with express routes within a connectionless network which are used to avoid congestion points within that same network. The Examiner is required to give terms the broadest reasonable interpretation and not the broadest possible interpretation. Applicant submits that on any interpretation, claim 1 requires that the express route be in the same network as previously argued. Similar limitations are found in claims 7 and 8. Accordingly, applicant firmly, but respectfully, maintains that these claims are distinct from the teaching of Riggan.

Thirdly, the applicant has previously argued that Riggan does not teach monitoring congestion within the network. The Examiner disagrees and states that "limitation monitoring was not claimed in claims 5 and 6". Applicant respectfully points out that claims 5 and 6 are dependent upon claim 1 which includes the limitation of monitoring congestion. Therefore, applicant maintains his submission that this feature represents another point of distinction between the present invention and the teaching of Riggan.
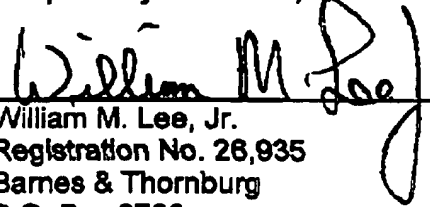
Fourthly, the Examiner disagrees with applicant's previous argument that Riggan does not teach filter means for identifying and diverting data packets having a source address corresponding to a user. The Examiner admits, however, that Riggan discloses routing user data to the second network only if the user data exceeds a QoS threshold, but, as far as the applicant can understand, seems to be arguing that the QoS threshold is determined by the source address of the data packet. Again, the Examiner is respectfully reminded that claim features are to be given their broadest reasonable interpretation. Applicant submits that the teaching of Riggan does not fall within the reasonable interpretation of the claimed feature of filter means for identifying and diverting data packets having a source address corresponding to a user. Riggan clearly teaches diverting data packets according to whether they would exceed QoS thresholds and not selectively on the basis of destination addresses. The destination address is merely used to look up the appropriate QoS threshold.

Applicant therefore respectfully, but firmly, maintains his arguments that the present invention is clearly patentable over the prior art references cited by the Examiner and looks forward to receiving a Notice of Allowance on this case.

This response is within the two month deadline.

May 21, 2004   Respectfully submitted,

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